

105TH CONGRESS
1ST SESSION

H. R. 2000

To amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1997

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTOMATIC LAND BANK PROTECTION.**

4 (a) LANDS RECEIVED IN EXCHANGE FROM CERTAIN
5 FEDERAL AGENCIES.—The matter preceding clause (i) of
6 section 907(d)(1)(A) of the Alaska National Interest
7 Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is
8 amended by inserting “or conveyed to a Native Corpora-
9 tion pursuant to an exchange authorized by section 22(f)
10 of Alaska Native Claims Settlement Act or section

1 1302(h) of this Act or other applicable law” after “Settle-
2 ment Trust”.

3 (b) LANDS EXCHANGED AMONG NATIVE CORPORA-
4 TIONS.—Section 907(d)(2)(B) of such Act (43 U.S.C.
5 1636(d)(2)) is amended—

6 (1) by striking “and” at the end of clause (ii);

7 (2) by striking the period at the end of clause
8 (iii) and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(iv) lands or interest in lands shall not be con-
11 sidered developed or leased or sold to a third party
12 as a result of an exchange or conveyance of such
13 land or interest in land between or among Native
14 Corporations and trusts, partnerships, corporations,
15 or joint ventures, whose beneficiaries, partners,
16 shareholders, or joint venturers are Native Corpora-
17 tions.”.

18 (c) ACTIONS BY TRUSTEE SERVING PURSUANT TO
19 AGREEMENT OF NATIVE CORPORATIONS.—Section
20 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is
21 amended—

22 (1) by striking “or” at the end of clause (i);

23 (2) by striking the period at the end of clause
24 (ii) and inserting “; or”; and

25 (3) by adding at the end the following:

1 “(iii) to actions by any trustee whose right,
2 title, or interest in land or interests in land arises
3 pursuant to an agreement between or among Native
4 Corporations and trusts, partnerships, or joint ven-
5 tures whose beneficiaries, partners, shareholders, or
6 joint venturers are Native Corporations.”.

7 **SEC. 2. RETAINED MINERAL ESTATE.**

8 Section 12(c)(4) of the Alaska Native Claims Settle-
9 ment Act (43 U.S.C. 1611(c)(4)) is amended—

10 (1) by redesignating subparagraphs (C) and
11 (D) as subparagraphs (E) and (F), respectively, and
12 by inserting after subparagraph (B) the following
13 new subparagraphs:

14 “(C) Where such public lands are surrounded by or
15 contiguous to subsurface lands obtained by a Regional
16 Corporation under subsections (a) or (b), the Corporation
17 may, upon request, have such public land conveyed to it.

18 “(D)(i) A Regional Corporation which elects to obtain
19 public lands under subparagraph (C) shall be limited to
20 a total of not more than 12,000 acres. Selection by a Re-
21 gional Corporation of in lieu surface acres under subpara-
22 graph (E) pursuant to an election under subparagraph (C)
23 shall not be made from any lands within a conservation
24 system unit (as that term is defined by section 102(4) of

1 the Alaska National Interest Lands Conservation Act (16
2 U.S.C. 3102(4)).

3 “(ii) An election to obtain the public lands described
4 in subparagraph (A), (B), or (C) shall include all available
5 parcels within the township in which the public lands are
6 located.

7 “(iii) For purposes of this subparagraph and sub-
8 paragraph (C), the term ‘Regional Corporation’ shall refer
9 only to Doyon, Limited.”; and

10 (2) in subparagraph (E) (as so redesignated),
11 by striking “(A) or (B)” and inserting “(A), (B), or
12 (C)”.

13 **SEC. 3. CLARIFICATION ON TREATMENT OF BONDS FROM A**
14 **NATIVE CORPORATION.**

15 Section 29(c) of the Alaska Native Claims Settlement
16 Act (43 U.S.C. 1626(c)) is amended—

17 (1) in paragraph (3)(A), by inserting “and on
18 bonds received from a Native Corporation” after
19 “from a Native Corporation”; and

20 (2) in paragraph (3)(B), by inserting “or bonds
21 issued by a Native Corporation which bonds shall be
22 subject to the protection of section 7(h) until volun-
23 tarily and expressly sold or pledged by the share-
24 holder subsequent to the date of distribution” before
25 the semicolon.

1 **SEC. 4. AMENDMENT TO PUBLIC LAW 102–415.**

2 Section 20 of the Alaska Land Status Technical Cor-
3 rections Act of 1992 (106 Stat. 2129), is amended by add-
4 ing at the end the following new subsection:

5 “(h) Establishment of the account under subsection
6 (b) and conveyance of land under subsection (c), if any,
7 shall be treated as though 3,520 acres of land had been
8 conveyed to Gold Creek under section 14(h)(2) of the
9 Alaska Native Claims Settlement Act for which rights to
10 in-lieu subsurface estate are hereby provided to CIRI.
11 Within 1 year from the date of enactment of this sub-
12 section, CIRI shall select 3,520 acres of land from the
13 area designated for in-lieu selection by paragraph
14 I.B.(2)(b) of the document identified in section 12(b) of
15 the Act of January 2, 1976 (43 U.S.C. 1611 note).”.

16 **SEC. 5. CALISTA CORPORATION LAND EXCHANGE.**

17 (a) CONGRESSIONAL FINDINGS.—Congress finds and
18 declares that—

19 (1) the land exchange authorized by section
20 8126 of Public Law 102–172 should be implemented
21 without further delay;

22 (2) the Calista Corporation, the Native Re-
23 gional Corporation organized under the authority of
24 the Alaska Native Claims Settlement Act (ANCSA)
25 for the Yupik Eskimos of Southwestern Alaska,

1 which includes the entire Yukon Delta National
2 Wildlife Refuge—

3 (A) has responsibilities provided for by the
4 Settlement Act to help address social, cultural,
5 economic, health, subsistence, and related issues
6 within the Region and among its villages, in-
7 cluding the viability of the villages themselves,
8 many of which are remote and isolated; and

9 (B) has been unable to fully carry out such
10 responsibilities.

11 (C) the implementation of the exchange re-
12 ferred to in this paragraph is essential to help-
13 ing Calista utilize its assets to carry out those
14 responsibilities to realize the benefits of
15 ANCSA;

16 (3) the parties to the exchange have been un-
17 able to reach agreement on the valuation of the
18 lands and interests in lands to be conveyed to the
19 United States under section 8126 of Public Law
20 102–171; and

21 (4) in light of the foregoing, it is appropriate
22 and necessary in this unique situation that Congress
23 authorize and direct the implementation of this ex-
24 change as set forth in this section in furtherance of
25 the purposes and underlying goals of the Alaska Na-

1 tive Claims Settlement Act and the Alaska National
2 Interest Lands Conservation Act.

3 (b) LAND EXCHANGE IMPLEMENTATION.—Section
4 8126(a) of Public Law 102–172 (105 Stat. 1206) is
5 amended—

6 (1) by inserting “(1)” after “(a)”;

7 (2) by striking “October 1, 1996” and inserting
8 “October 1, 2002”;

9 (3) by inserting after “October 28, 1991” the
10 following: “(hereinafter referred to as ‘CCRD’) and
11 in the document entitled, ‘The Calista Conveyance
12 and Relinquishment Document Addendum’, dated
13 September 15, 1996 (hereinafter referred to as
14 ‘CCRD Addendum’)”;

15 (4) by striking “The value” and all that follows
16 through “*Provided*, That the” and inserting in lieu
17 thereof the following:

18 “(2) Unless prior to December 31, 1997, the parties
19 mutually agree on a value of the lands and interests in
20 lands to be exchanged as contained in the CCRD and the
21 CCRD Addendum, the aggregate values of such lands and
22 interests in lands shall be established as of January 1,
23 1998, as provided in paragraph (6) of the CCRD Adden-
24 dum. The”;

1 (5) in the last sentence, by inserting a period
2 after “1642” and striking all that follows in that
3 sentence; and

4 (6) by adding at the end the following new
5 paragraph:

6 “(3) The amount credited to the property account is
7 not subject to adjustment for minor changes in acreage
8 resulting from preparation or correction of the land de-
9 scriptions in the CCRD or CCRD Addendum or the exclu-
10 sion of any small tracts of land as a result of hazardous
11 materials surveys.”.

12 (c) EXTENSION OF RESTRICTION ON CERTAIN PROP-
13 ERTY TRANSFERS.—Section 8126(b) of Public Law 102–
14 172 (105 Stat. 1206) is amended by striking “October
15 1, 1996” and inserting “October 1, 2002”.

16 (d) EXCHANGE ADMINISTRATION.—Section 8126(c)
17 of Public Law 102–172 (105 Stat. 1207) is amended—

18 (1) by inserting “(1)” after “(c)”;

19 (2) by striking the sentence beginning “On Oc-
20 tober 1, 1996,” and inserting in lieu thereof the fol-
21 lowing: “To the extent such lands and interests have
22 not been exchanged with the United States, on Jan-
23 uary 1, 1998, the Secretary of the Treasury shall es-
24 tablish a property account on behalf of Calista Cor-
25 poration. If the parties have mutually agreed to a

1 value as provided in subsection (a)(2), the Secretary
2 of the Treasury shall credit the account accordingly.
3 In the absence of such an agreement the Secretary
4 of the Treasury shall credit the account with an
5 amount equal to 50 percent of the total amount de-
6 termined by paragraph (6) of the CCRD Addendum.
7 The account shall be available for use as provided
8 in subsection (c)(3), as follows:

9 “(A) On January 1, 1998, an amount equal to
10 one-half the amount credited pursuant to this para-
11 graph shall be available for use as provided.

12 “(B) On October 1, 1998, the remaining one-
13 half of the amount credited pursuant to this para-
14 graph shall be available for use as provided.

15 “(2) On October 1, 2002, to the extent any portion
16 of the lands and interests in lands have not been ex-
17 changed pursuant to subsection (a) or conveyed or relin-
18 quished to the United States pursuant to paragraph (1),
19 the account established by paragraph (1) shall be credited
20 with an amount equal to any remainder of the value deter-
21 mined pursuant to paragraph (1).”;

22 (3) by inserting “(3)” before “Subject to”;

23 (4) by striking “on or after October 1, 1996,”
24 and by inserting after “subsection (a) of this sec-
25 tion,” the following: “upon conveyance or relinquish-

1 ment of equivalent portions of the lands referenced
2 in the CCRD and the CCRD Addendum,”; and

3 (5) by adding at the end the following new
4 paragraphs:

5 “(4) Notwithstanding any other provision of law,
6 Calista Corporation or the village corporations identified
7 in the CCRD Addendum may assign, without restriction,
8 any or all of the account upon written notification to the
9 Secretary of the Treasury and the Secretary of the Inte-
10 rior.

11 “(5) Calista will provide to the Bureau of Land Man-
12 agement, Alaska State Office, appropriate documentation
13 to enable that office to perform the accounting required
14 by paragraph (1) and to forward such information, if re-
15 quested by Calista, to the Secretary of the Treasury as
16 authorized by such paragraph.

17 “(6) For the purpose of the determination of the ap-
18 plicability of section 7(i) of the Alaska Native Claims Set-
19 tlement Act (43 U.S.C. 1606(i)) to revenues generated
20 pursuant to this section, such revenues shall be calculated
21 in accordance with paragraph (4) of the CCRD Adden-
22 dum.”.

23 **SEC. 6. MINING CLAIMS.**

24 Paragraph (3) of section 22(c) of the Alaska Native
25 Claims Settlement Act (43 U.S.C. 1621(c)) is amended—

1 (1) by striking out “regional corporation” each
2 place it appears and inserting in lieu thereof “Re-
3 gional Corporation”; and

4 (2) by adding at the end the following: “The
5 provisions of this section shall apply to Haida Cor-
6 poration and the Haida Traditional Use Sites, which
7 shall be treated as a Regional Corporation for the
8 purposes of this paragraph, except that any revenues
9 remitted to Haida Corporation under this section
10 shall not be subject to distribution pursuant to sec-
11 tion 7(i) of this Act.”.

12 **SEC. 7. SALE, DISPOSITION, OR OTHER USE OF COMMON**
13 **VARIETIES OF SAND, GRAVEL, STONE, PUM-**
14 **ICE, PEAT, CLAY, OR CINDER RESOURCES.**

15 Subsection (i) of section 7 of the Alaska Native
16 Claims Settlement Act (43 U.S.C. 1606(i)) is amended—

17 (1) by striking “Seventy per centum” and in-
18 serting “(A) Except as provided by subparagraph
19 (B), seventy percent”; and

20 (2) by adding at the end the following:

21 “(B) In the case of the sale, disposition, or other use
22 of common varieties of sand, gravel, stone, pumice, peat,
23 clay, or cinder resources made after the date of enactment
24 of this subparagraph, the revenues received by a Regional
25 Corporation shall not be subject to division under subpara-

1 graph (A). Nothing in this subparagraph is intended to
 2 or shall be construed to alter the ownership of such sand,
 3 gravel, stone, pumice, peat, clay, or cinder resources.”.

4 **SEC. 8. ALASKA NATIVE ALLOTMENT APPLICATIONS.**

5 Section 905(a) of the Alaska National Interest Lands
 6 Conservation Act (43 U.S.C. 1634(a)) is amended by add-
 7 ing at the end the following:

8 “(7) Paragraph (1) of this subsection and section (d)
 9 shall apply, and paragraph (5) of this subsection shall
 10 cease to apply, to an application—

11 “(A) that is open and pending on the date of
 12 enactment of this paragraph,

13 “(B) if the lands described in the application
 14 are in Federal ownership, and

15 “(C) if all protests which were filed by the
 16 State of Alaska pursuant to paragraph (5)(B) with
 17 respect to the application have been withdrawn and
 18 not reasserted or are dismissed.”.

19 **SEC. 9. VISITOR SERVICES.**

20 Paragraph (1) of section 1307(b) of the Alaska Na-
 21 tional Interest Lands Conservation Act (16 U.S.C.
 22 3197(b)) is amended—

23 (1) by striking “Native Corporation” and in-
 24 serting “Native Corporations”; and

1 (2) by striking “is most directly affected” and
2 inserting “are most directly affected”.

3 **SEC. 10. REPORT.**

4 (a) IN GENERAL.—Not later than nine months after
5 the date of enactment of this Act, the Secretary of the
6 Interior shall transmit to Congress a report.

7 (b) LOCAL HIRE.—(A) The report required by sub-
8 section (a) shall—

9 (1) indicate the actions taken in carrying out
10 subsection (b) of section 1308 of the Alaska Na-
11 tional Interest Lands Conservation Act (16 U.S.C.
12 3198);

13 (2) address the recruitment processes that may
14 restrict employees hired under subsection (a) of such
15 section from successfully obtaining positions in the
16 competitive service; and

17 (3) describe the actions of the Secretary of the
18 Interior in contracting with Alaska Native Corpora-
19 tions to provide services with respect to public lands
20 in Alaska.

21 (c) COOPERATION.—The Secretary of Agriculture
22 shall cooperate with the Secretary of the Interior in carry-
23 ing out this section with respect to the Forest Service.

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